

ASSEMBLY BILL

No. 2244

Introduced by Assembly Member Conway

February 24, 2012

An act to amend Section 4658.6 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2244, as introduced, Conway. Workers' compensation: supplemental job displacement benefits.

Existing workers' compensation law requires employers to compensate their employees for injuries sustained during the course of his or her employment. Existing law provides that if an injury causes permanent disability and the injured employee does not return to work for the employer within 60 days of the termination of temporary disability, the injured employee is eligible for supplemental job displacement benefits in the form of a nontransferable voucher for education-related retraining or skill enhancement. Existing law provides that employers who meet certain criteria shall not be liable for the supplemental job displacement benefit.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4658.6 of the Labor Code is amended to
2 read:

1 4658.6. The employer shall not be liable for the supplemental
2 job displacement benefit if the employer meets ~~either~~ *one* of the
3 following conditions:

4 (a) Within 30 days of the termination of temporary disability
5 indemnity payments, the employer offers, and the employee rejects,
6 or fails to accept, in the form and manner prescribed by the
7 administrative director, modified work, accommodating the
8 employee's work restrictions, lasting at least 12 months.

9 (b) Within 30 days of the termination of temporary disability
10 indemnity payments, the employer offers, and the employee rejects,
11 or fails to accept, in the form and manner prescribed by the
12 administrative director, alternative work meeting all of the
13 following conditions:

14 (1) The employee has the ability to perform the essential
15 functions of the job provided.

16 (2) The job provided is in a regular position lasting at least 12
17 months.

18 (3) The job provided offers wages and compensation that are
19 within 15 percent of those paid to the employee at the time of
20 injury.

21 (4) The job is located within reasonable commuting distance of
22 the employee's residence at the time of injury.